

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

LAWASKI D. CHANNEL, #662763	§	
	§	
V.	§	CIVIL ACTION NO. G-05-498
	§	
JERRY DEERE, ET AL.	§	

**ORDER OF DISMISSAL**

Before the Court for its Order of Acceptance is a Report and Recommendation of the United States Magistrate Judge, entered on January 11, 2006, which recommends that the instant case be dismissed with prejudice as time-barred. Plaintiff has filed, simultaneously, objections to the Report and Recommendation and a "Motion of Excusable Neglect," wherein he offers a litany of circumstances detailing his reasons for delay in filing the instant cause. The Court finds Plaintiff's unsupported objections to be without merit.

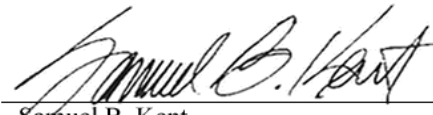
After *de novo* review pursuant to 28 U.S.C. §636 (b)(1)(C), this Court is of the opinion that the Report and Recommendation of the Magistrate Judge should be, and it is hereby, **ACCEPTED** in its entirety and incorporated by reference herein. It is the **ORDER** of this Court that Plaintiff's claims against Defendant Deere are **DISMISSED** with prejudice as time-barred. It is further **ORDERED** that Plaintiff's claims against the State of Texas are **DISMISSED** with prejudice for failure to state a claim for which relief can be granted.

This Order does not release Plaintiff or the Texas Department of Criminal Justice, Institutions Division from the obligation to pay the filing fee previously imposed. Plaintiff is advised that if he appeals this dismissal, he will be required to pay the appeal fee of \$255.00 pursuant to the Prison

Litigation Reform Act, and he must submit a 6-month certificate of his inmate trust account when he files his notice of appeal.

A certified copy of this Order shall be mailed to: **TDCJ-Office of the General Counsel**, P.O. Box 13084, Austin, Texas, 78711; and, to **TDCJ Local Funds Division**, P.O. Box 629, Huntsville, TX 77342-0629.

**DONE** at Galveston, Texas, this the 31<sup>st</sup> day of January, 2006.

  
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Samuel B. Kent  
United States District Judge